UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,196	06/20/2000	John Zimmerman	US000127	6011

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EXAMINER
BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,7,9,10 and 12-16* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5,7,9,10 and 12-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 5, 7, 9-10 and 12-16 are now pending.

Response to Arguments

1.   Applicant's arguments with respect to claims 5, 7, 9-10 and 12-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 5 and 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Li et al. (US 6,012,088).

       Regarding claim 5, AAPA teaches an appliance, comprising: a controller and a receiver connected thereto and effective to receive an ID device identifier (pg. 3, line 21-pg.4, line 3); a network interface; the controller being further programmed to access profile data on the profile server (pg.3, lines 8-11).

       AAPA does not teach of a relay server. Li et al. teaches a relay server corresponding to the ID device identifier; the controller being programmed to: transmit data responsive to the

identifier to the relay server and receive a profile address in response from the relay server: the

controller being further programmed to access data on the server (Fig.8, column 3, lines 25-38,

column 11, lines 17-26, column 12, lines 38-53, column 12, line 66-column 13, line 3, column

13, lines 11-17 and 30-35). Therefore it would have been obvious to one of ordinary skill in the

art at the time the invention was made to further modify the personalization of smart appliances

of AAPA by having a relay server because each appliance can be pre-preprogrammed with the

relay server location, independent of the location of the particular user's profile data and

conversely the user's profile can be located anywhere independent of any particular appliance.

Referring to claims 14, AAPA teaches a method of controlling an appliance, comprising:

receiving an address from a remote device, transmitting a request to the profile server, receiving

a profile from the profile server, and controlling the appliance in dependence upon the profile.

AAPA does not teach of a relay server. Li et al. teaches transmitting a first request to the

relay server, receiving an address of a profile server from the relay server, transmitting a second

request to the profile server, receiving a profile from the profile server (Fig.8, column 3, lines 25-

38, column 11, lines 17-26, column 12, lines 38-53, column 12, line 66-column 13, line 3,

column 13, lines 11-17 and 30-35). Therefore it would have been obvious to one of ordinary skill

in the art at the time the invention was made to further modify the personalization of smart

appliances of AAPA by having a relay server because each appliance can be pre-preprogrammed

with the relay server location, independent of the location of the particular user's profile data and

conversely the user's profile can be located anywhere independent of any particular appliance.

Referring to claim 16, AAPA teaches the method of claim 14, further including receiving

an address from another remote device, transmitting a request to the other profile server,

receiving another profile from the other profile server, and controlling the appliance in

dependence upon the other profile.

AAPA does not teach of a relay server. Li et al. teaches transmitting a third request to the

other relay server, receiving an address of an other profile server from the other relay server,

transmitting a fourth request to the other profile server, receiving an other profile from the other

profile server (Fig.8, column 3, lines 25-38, column 11, lines 17-26, column 12, lines 38-53,

column 12, line 66-column 13, line 3, column 13, lines 11-17 and 30-35). Therefore it would

have been obvious to one of ordinary skill in the art at the time the invention was made to further

modify the personalization of smart appliances of AAPA by having a relay server because each

appliance can be pre-preprogrammed with the relay server location, independent of the location

of the particular user's profile data and conversely the user's profile can be located anywhere

independent of any particular appliance.

Regarding claim 15, AAPA teaches the method of claim 14, wherein the remote device is

a radio-frequency identification device (pg. 3, line 21 through pg. 4, line 3).

3.   Claims 7, 9, 10, 12, and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant Admitted Prior Art (AAPA) in view of Li et al. (US 20002/0165773) as applied to

claims 5, 14-16 above, and further in view of Killian (US 6,163,316).

Regarding claims 9, AAPA in view of Li et al. teaches a method wherein: receiving at

least the portion of the first configuration data includes receiving first relay data responsive to a

network server identified in the first access data, receiving profile data made accessible via the

network by the first relay data (pg. 3, line 5-11 and pg. 4, lines 4-11 of AAPA) and receiving at

least the portion of the second configuration data includes receiving second relay data responsive

to a network server identified in the second access data, and receiving profile data made

accessible via the network by the second relay data (Fig.8, column 3, lines 25-38, column 11,

lines 17-26, column 12, lines 38-53, column 12, line 66-column 13, line 3, column 13, lines 11-

17 and 30-35 of Li et al.).

AAPA in view of Li et al. does not teach configuring the appliance responsively to the

first configuration data and reconfiguring the appliance responsively to the second configuration

data. Killian teaches controlling the operation of an appliance, comprising: receiving, at an

appliance, first access data from a first remote device, the access data providing network access

to first configuration data; receiving at the appliance at least a portion of the first configuration

data via the network; configuring the appliance responsively to the first configuration data;

receiving, at the appliance, second access data to the appliance from a second remote device, the

second access data providing network access to second configuration data; receiving at the

appliance at least a portion of the second configuration data; reconfiguring the appliance

responsively to the second configuration data (column 2, lines 6-12 and column 9, lines 15-19

and column 10, lines 55-60). Therefore it would have been obvious to one of ordinary skill in the

art at the time the invention was made to further modify the personalization of smart appliances

of AAPA in view of Li et al. by configuring the appliance responsively to the first configuration

data and reconfiguring the appliance responsively to the second because this allows viewers that

as a group are watching the television at the same time to be able to have the program guide and

shows configured to please everyone watching.

Referring to claim 7, AAPA teaches a method as in claim 9, wherein each of the first

remote device and the second remote device correspond to a portable device (pg. 3, line 5-11).

Referring to claim 10, AAPA teaches a method as in claim 9, wherein: each of the first

and second remote devices corresponds to a radio frequency identification device (pg. 3, line 21

through pg. 4, line 3).

Referring to claim 12, AAPA teaches a method as in claim 10, wherein delivering the

first and second access data includes co-locating the radio frequency identification device with

the appliance (pg. 3, line 21 through pg. 4, line 3).

Regarding claim 13, AAPA teaches a method as in claim 9, wherein receiving at least the

portion of the first configuration data includes receiving a portion of profile data including data

relating to the appliance and data relating to another type of appliance (pg. 3, line 5-11 and pg.4,

lines 4-11).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to personalization

of smart appliances in general: White et al., Giordano, III et al., Piazza et al., Kikinis, Jones et

al., Hayes, Jr., Nobakht et al., Boyles et al.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to April L. Baugh whose telephone number is 571-272-3877. The

examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER